

**From:** [Noam Biale](#)  
**To:** [Kanellis, William G. \(CIV\)](#)  
**Cc:** [jameel.jaffer](#); [Ramya Krishnan](#); [carrie.decell@knightcolumbia.org](#); [Xiangnong Wang](#); [Talya R Nevins](#); [Jackson Busch](#); [scott.wilkens](#); [arulanantham@law.ucla.edu](#); [Michael Tremonte](#); [Alexandra Conlon](#); [Courtney Gans](#); [Kanter, Ethan \(CIV\)](#); [Santora, Victoria M \(CIV\)](#); [Strokus, Jessica D. \(CIV\)](#); [Busen, Jesse \(CIV\)](#); [Stone, Paul \(CIV\)](#); [Yen, Shawna \(USAMA\)](#); [Hennes, Stefanie \(CIV\)](#)  
**Subject:** RE: [EXTERNAL] RE: Identity of plaintiffs' witnesses for deposition  
**Date:** Thursday, June 12, 2025 8:42:15 PM

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Hi William,

We spoke with Ms. Dubal and unfortunately she is not available to do the deposition next week given her travel schedule and childcare obligations. She can make herself available on Monday, June 23 or Tuesday, June 24 (she will still be in London those days). Please let us know which day you prefer.

Regards,  
Noam



**Noam Biale**  
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**From:** Kanellis, William G. (CIV) <William.G.Kanellis@usdoj.gov>  
**Sent:** Thursday, June 12, 2025 4:42 PM  
**To:** Noam Biale <NBiale@shertremonte.com>  
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**Subject:** Re: [EXTERNAL] RE: Identity of plaintiffs' witnesses for deposition

Please identify the person(s) who will accompany Ms. Duval, if anyone will be physically present with her, so that we can provide them clearance to enter the Embassy. Also, so

that we can make court reporting arrangements, please let me know when she will be available ASAP- again, available times are either beginning Monday afternoon or at some point on Tuesday. Thanks.

Sent from my iPhone

On Jun 12, 2025, at 4:17 PM, Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)> wrote:

Thank you for that information. It has become clear, however, in today's deposition that you are in fact withholding information known to you, specifically the cable Mr. Armstrong authorized regarding revoking visas. Further, yesterday, several names were revealed of individuals with relevant knowledge that you did not disclose. Finally, you did not disclose Mr. Armstrong and Mr. Watson as witnesses – we noticed their depositions based on the declarations submitted in connection with your motion to dismiss. You have not disclosed any witnesses. Does the government anticipate calling any witnesses at trial?

<image001.jpg>

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<image002.jpg>

<image003.jpg>

<image004.jpg>

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**From:** Kanellis, William G. (CIV) <[William.G.Kanellis@usdoj.gov](mailto:William.G.Kanellis@usdoj.gov)>

**Sent:** Thursday, June 12, 2025 12:35 PM

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**Subject:** Re: [EXTERNAL] RE: Identity of plaintiffs' witnesses for deposition

Thank you for your prompt response. We will plan on deposing her in London on Monday or Tuesday - whichever is more convenient for her. We will make arrangements with the US Embassy. We expect the deposition to last four hours.

Whether or not you are moved, we are not withholding information known to us, and expect the same. We are providing you responsive information - including witnesses - as it is identified. We hope for continued cooperation in the next few weeks.

I will provide further details regarding Tuesday as I receive them. Please do not hesitate to call me to work out details.

Sent from my iPhone

On Jun 12, 2025, at 12:23 PM, Noam Biale  
<[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)> wrote:

Hi William,

I am cc'ing the rest of my team.

As an initial matter, you have not identified the relevant officials, their titles, and roles, as the judge ordered you to do at the May 6, 2025 conference, so that we may notice their depositions. Given that, your complaint about our supposed delay does not move me.

Regarding Ms. Dubal, she will be in London next week. We are going to speak with her today about her schedule for next week and we will get back to you as soon as we know when she can sit for her deposition.

As I said before, once the protective order gets entered and as we confirm the witnesses we intend to call at trial, we will identify them.

Regards,  
Noam

<image001.jpg>

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<image002.jpg>

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**From:** Kanellis, William G. (CIV) <[William.G.Kanellis@usdoj.gov](mailto:William.G.Kanellis@usdoj.gov)>

**Sent:** Thursday, June 12, 2025 11:49 AM

**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>

**Subject:** Identity of plaintiffs' witnesses for deposition

Noam,

We plan on deposing at least two of your witnesses next week.

At your request, we will not seek to depose Ms. Bâli next week because of her personal circumstance. Please tell me the location of Ms. Dubal so that we can make arrangements to depose her next Monday or Tuesday. Also, I assume you are calling more than these two witnesses. If that's the case, please identify the other witnesses and their locations so that we can make arrangements to depose them.

We are trying to work with you, but there remain only a handful of working days between now and trial. And since you know the identities and whereabouts of your witnesses, there's no excuse for further delaying the disclosure of this information. We've made the two witnesses you've noticed available for deposition

on the dates you requested, at some inconvenience to these witnesses. I ask that you provide us the same courtesy. If you want to discuss by phone, please call me at +12025325749. Thanks.

Sent from my iPhone

On Jun 10, 2025, at 6:20 PM, Kanellis, William G. (CIV) <[William.G.Kanellis@usdoj.gov](mailto:William.G.Kanellis@usdoj.gov)> wrote:

Noam, who are your other witnesses? Are you only calling two? And where are these witnesses located? We need to make travel and office space arrangements before next week. Thanks.

Sent from my iPhone

On Jun 10, 2025, at 5:29 PM, Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)> wrote:

Lindsay,

The Court's order of today does not cover information we provide you in discovery. We need an additional protective order for that. We sent our draft protective order on May 10. You have declined to agree to its terms and have now gone back on provisions to which you previously agreed. In addition, we sent you our document requests on May 13. You have provided no response to those

requests. You are now giving us one hour to respond before you say you will file a motion to compel. If you think based on this record you have a meritorious motion, go ahead.

That being said, we are prepared now to disclose two of our witnesses who are citizens: Veena Dubal and Asli Bali. Ms. Bali just had a death in the family and may not be available next week.

On the protective order, I think it would be helpful for the court to indicate the provisions where we do have agreement and make clear what is left for the court to decide. Do you disagree with that approach?

Noam

<Image.jpeg>

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**From:** Murphy, Lindsay M. (CIV)

<[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>

**Sent:** Tuesday, June 10, 2025 4:51:30 PM

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Yen, Shawna (USAMA)  
<[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>  
**Subject:** RE: AAUP v. Rubio - Various  
Outstanding Items

Hi Noam,

The stipulation re government statements  
looks good to file.

We'll mark our calendars for Thursday at  
2pm. But in light of the Court's order this  
afternoon on Plaintiffs' witness protective  
order motion, we expect Plaintiffs to  
disclose the identities and locations of your  
witnesses by 6pm today so that we may  
make the necessary arrangements.  
Otherwise, we will move to compel.

On the protective order, we wanted to clarify  
that Plaintiffs aren't intending to file it as a  
request to enter a stipulated order. Given  
our objections to the provisions referenced  
earlier, Defendants do not stipulate to it and  
expect to respond to the motion for a  
protective order that we presume you'll be  
filing.

Thanks for your agreement on our proposed clawback order. We'll take care of getting that filed.

Lindsay

---

**From:** Noam Biale  
<[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>  
**Sent:** Tuesday, June 10, 2025 3:31 PM  
**To:** Murphy, Lindsay M. (CIV)  
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<[Shawna.Yen@usdoj.gov](mailto:Shawna.Yen@usdoj.gov)>  
**Subject:** [EXTERNAL] RE: AAUP v. Rubio - Various Outstanding Items

Thank you. Here is the signed stipulation with the numbering issue you pointed out corrected. We will ask the Court to so-order it.



Regarding the meet & confer, today does not work but your proposed time of 2 PM on Thursday works (for those of us not participating in the depositions). Why don't we plan to discuss the pretrial memorandum and your RFPs and Rqs at that time?

Regarding the protective order, we are going to go ahead and ask the judge to enter it and will note your objections to paragraphs 3, 6(h), 7, and 10.

We are fine with your change to the clawback order (but cut the "the" before "either").

<image001.jpg>

**Noam Biale**

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<image002.jpg>

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**From:** Murphy, Lindsay M. (CIV)

<[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>

**Sent:** Tuesday, June 10, 2025 12:13 PM

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**Subject:** RE: AAUP v. Rubio - Various  
Outstanding Items

Apologies -- I neglected to attach the signed  
stipulation re government statements to my  
last message. It's attached here.

Lindsay

---

**From:** Murphy, Lindsay M. (CIV)  
**Sent:** Tuesday, June 10, 2025 12:10 PM  
**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>;  
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**Subject:** RE: AAUP v. Rubio - Various  
Outstanding Items

Hi Noam

Please see our answers in green to your  
requests below. If you'd like to meet and  
confer about Defendants' discovery  
requests today, we can be available  
between 12:30pm and 2pm or between 4  
and 5pm.

Thanks,  
Lindsay

---

**From:** Noam Biale  
<[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>  
**Sent:** Monday, June 9, 2025 9:26 PM  
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**Subject:** [EXTERNAL] AAUP v. Rubio - Various  
Outstanding Items

Dear Lindsay:

In no particular order, here are responses  
and outstanding requests on various  
pending issues:

1. Pre-trial deadlines – the local rules  
require us to meet and confer on a  
joint pretrial memorandum 14 days  
before the pretrial conference (which  
would be 6/12) and file the  
memorandum no later than 7 days  
before the conference (which would  
make it due on 6/19). We think it  
makes sense to have the meet and  
confer on schedule but are  
anticipating that we will want to ask  
jointly for more time to file the  
memorandum, since it includes things  
like witness and exhibit lists that we  
are unlikely to have in final form by the  
19<sup>th</sup>. Let us know if that works for you.  
[Sure. Let's meet on 6/12 to discuss.](#)  
[Would 2pm work for you?](#)
1. Protective Order – we attach the latest  
version of the protective order. We  
propose to drop our request for  
paragraph 10 in exchange for you  
accepting our addition to paragraph  
3. We can then highlight paragraph 7 –  
the record-keeping provision – as the

only point of disagreement for the Court to resolve. If that is satisfactory, please let us know and we will file this indicating that most of it is on consent and moving on the record-keeping provision. Please see our comments in the attached. We are at an impasse on paragraph 7; Plaintiffs' edits to paragraph 3 render the provision too broad for Defendants to be able to agree; also, in re-reviewing the draft, Defendants cannot agree to paragraph 6(h) as written– to the extent that any filings containing PII are submitted in camera, Defendants do not agree to waive privilege in order for non-parties to the litigation to review their PII. Filing the documents containing PII under seal or in camera should sufficiently safeguard that information. Defendants have already indicated that it is the government's practice to redact PII from filings where necessary and would be willing to consult with Plaintiffs' counsel on appropriate PII redactions for any public filings.

1. Stipulation re Statement of Government Officials – we have accepted your proposed changes and are attaching a signed version. Please send it back to us with your signature. Signed version attached. Note that the statement numbers jump from 21 to 23 (22 is skipped). We're happy to sign again if you wanted to correct the numbering.
1. Clawback agreement – we are awaiting your responses to our proposed edits. Attached with one

edit to paragraph 5 for Plaintiffs' review.

1. Administrative Record and Plaintiffs' outstanding discovery requests – two items:
  1. On May 29, we requested that you send us the attachments referenced in the administrative record and the two specific documents we asked for concerning Ms. Ozturk. Please provide these immediately or explain why you are declining to do so. Defendants have reviewed these documents and determined that they are subject to law enforcement privilege and deliberative process privilege; we will be submitting them in camera and ex parte for the court's review only.
  2. You also told us that you would get us responses and objections to our RFPs and Interrogatories by the end of last week or beginning of this week. When will you provide those? Defendants are working on finalizing these as quickly as we can; we intend to provide our responses/objections by Wednesday.
1. Defendants' discovery requests – we would like to schedule a meet and confer to discuss your discovery requests. Please let us know when you have time in the next couple of days for this. We can meet today between 12:30 and 2pm or between 4pm and 5pm. Let us know if you're

free during either of those time blocks.

1. Depositions of Defendants' witnesses  
– four items:

1. Alex Conlon from my firm will take the depositions. Her PHV application is still in process. Please let us know if you consent to her taking the depositions. No objection from Defendants.
2. When is the next earliest date Watson is available to be deposed? It is not reasonable to push the ruling from the Court back and then not be at all flexible on the deposition dates. Mr. Watson has arranged his schedule to be available for a deposition tomorrow, at Plaintiffs' request, as has our trial team. If you don't plan to depose him tomorrow, we'll consider Plaintiffs to have waived that opportunity.
3. Unless you have a ruling granting your motion for a protective order by Wednesday AM, you should provide documents and responses to interrogatories concerning both deponents. At a minimum, you must provide all documents related to them or for which they are custodians that you do not contend are covered by the deliberative process privilege. We're working as quickly as we can to get these finalized and over to you before tomorrow's depositions.
4. Please also provide us with the

names, titles, and roles of other relevant officials, as we have repeatedly requested, so we may notice their depositions.

We're working as quickly as we can to identify the relevant officials.

1. Depositions of Plaintiffs' witnesses –

We will provide the names of the witnesses we currently plan to call (we are still finalizing our list) immediately upon entry of the protective order and pending a ruling on our non-retaliation order and then will work with you to schedule their depositions. Plaintiffs know who their witnesses are, so there should not be an issue with providing that information. At the very least, Plaintiffs should immediately provide us with the cities where your witnesses will be next week so that we can arrange for travel and court reporters.

Regards,  
Noam

<image005.jpg>

**Noam Biale**

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